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REPORT OF THE EIGHTH MEETING OF STATES PARTIES

Prepared by the Secretariat

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I. INTRODUCTION

1. The eighth Meeting of States Parties to the United Nations Convention on the Law of the Sea was convened from 18 to 22 May 1998 in accordance with article 319, paragraph 2 (e), of the Convention and the decision taken at the seventh Meeting (SPLOS/24, para. 43). Pursuant to that decision, and in accordance with rule 5 of the rules of procedure adopted by the Meeting of States Parties (SPLOS/2/Rev.3), invitations to participate in the Meeting were addressed by the Secretary-General of the United Nations to all States Parties to the Convention, and to observers in conformity with rule 18 of the rules of procedure (SPLOS/2/Rev.3/Add.1), as well as to the President and the Registrar of the International Tribunal for the Law of the Sea in accordance with rule 37 of the rules of procedure.

2. The Meeting had before it the following documents:

- Rules of procedure for Meetings of States Parties (SPLOS/2/Rev.3 and SPLOS/2/Rev.3/Add.1);
- Report of the seventh Meeting of States Parties (SPLOS/24);
- Report of the International Tribunal for the Law of the Sea for the period 1996-1997 (SPLOS/27);
- Provisional agenda (SPLOS/L.8);
- Revised budget estimates for the International Tribunal for the Law of the Sea for 1996-1997 (SPLOS/WP.8);
- Draft budget proposals of the International Tribunal for the Law of the Sea for 1999 (SPLOS/WP.5);
- Draft financial regulations of the International Tribunal for the Law of the Sea (SPLOS/WP.6);
- Draft pension scheme regulations for Members of the International Tribunal for the Law the Sea (SPLOS/WP.7);
- Letter dated 15 May 1998 from the Chairman of the Commission on the Limits of the Continental Shelf addressed to the President of the eighth Meeting of States Parties (SPLOS/28);
- Rules of procedure of the Commission on the Limits of the Continental Shelf (CLCS/3/Rev.1).

II. ORGANIZATION OF WORK

A. Opening of the eighth Meeting

3. The eighth Meeting was opened by the President of the seventh Meeting, Ambassador Helmut Tuerk (Austria).

B. Election of the President

4. The Meeting elected Ambassador Paul Badji (Senegal) as President of the eighth Meeting of States Parties by acclamation.

C. Statement of the President

5. In his opening statement, the President outlined, inter alia, the programme of work of the eighth Meeting. He said that the priority item on the agenda was the draft budget of the International Tribunal for the Law of the Sea for 1999. He proposed that the budget should be considered together with the issues related to the over-expenditure during the 1996-1997 budgetary period. He suggested that the draft financial regulations submitted by the Tribunal should be considered among the first agenda items as well and that the conditions under which retirement pensions may be given to the members of the Tribunal should also be addressed. He drew the attention of the Meeting to other important matters to be considered, in particular the issues raised in the letter from the Chairman of the Commission on the Limits of the Continental Shelf to the President of the Meeting of States Parties. Another outstanding item in the agenda was related to the Rules of Procedure of the Meeting of States Parties, in particular rule 53, dealing with decisions on questions of substance.

D. Adoption of the agenda for the eighth Meeting

6. The Meeting considered the provisional agenda for the eighth Meeting (SPLOS/L.8). It decided to include two additional agenda items: budget of the International Tribunal for the Law of the Sea: issues relating to the over-expenditure during the 1996-1997 budgetary period (SPLOS/WP.8); and draft financial regulations of the International Tribunal for the Law of the Sea (SPLOS/WP.6). The agenda was then adopted as amended (SPLOS/30).

E. Election of the Vice-Presidents

7. The Meeting elected the representatives of Australia, Indonesia, Jamaica and Slovenia as the Vice-Presidents of the eighth Meeting of States Parties.

F. Appointment of the Credentials Committee

8. The Meeting of States Parties appointed a Credentials Committee consisting of the following members: Cameroon, Croatia, Germany, Malta, Mexico, Micronesia (Federated States of), Philippines, South Africa and Trinidad and Tobago.

III. REPORT OF THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA TO THE MEETING OF STATES PARTIES

9. The report of the International Tribunal for the Law of the Sea (SPLOS/27) was submitted to the Meeting of States Parties under article 6, paragraph 3 (d), of the Rules of Procedure of the Meeting of States Parties. This first report covered 15 months, from 1 October 1996 to 31 December 1997, and the start-up period that preceded it.

10. In his introductory statement, the President of the International Tribunal for the Law of the Sea highlighted the achievements of the Tribunal, especially the establishment of chambers and the adoption of the Rules of the Tribunal and Resolution on the Internal Judicial Practice of the Tribunal, as well as of Guidelines concerning the Preparation and Presentation of Cases before the Tribunal. He further mentioned the progress made and the problems encountered in the establishment of the library and in the recruitment of staff.

11. He also reported on the results of an audit of the accounts of the Tribunal conducted by independent external auditors. He informed the Meeting that, according to the final audit report which is to be submitted to the Tribunal and subsequently to the Meeting of States Parties, the Tribunal had been functioning in accordance with the Financial Regulations of the United Nations pending the adoption of its own financial regulations. In addition, all recommendations made by the auditors were accepted by the Registry.

12. On the judicial work of the Tribunal, the President highlighted the conclusion in 1997 of the first case submitted to the Tribunal - the M/V Saiga (prompt release) case.

13. The President of the Tribunal further recalled the signing by the Secretary-General of the United Nations and himself of the Agreement on Cooperation and Relationship between the United Nations and the International Tribunal for the Law of the Sea on 18 December 1997. The President of the Tribunal informed the Meeting that the Agreement, which had been applied provisionally by the United Nations and the Tribunal from the date of signature, had already been approved by the Tribunal and was awaiting the approval of the General Assembly of the United Nations. Upon that approval, the Agreement would enter into force.

14. The Meeting took note with appreciation of the Report of the Tribunal, including paragraphs 67 and 68, relating to the conclusion of the Cooperation and Relationship Agreement. It also took note of the efforts undertaken by the host country with respect to the construction of the Tribunal's permanent building and to arrangements to accommodate the Tribunal temporarily.

IV. BUDGETARY MATTERS OF THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

15. The President of the International Tribunal for the Law of the Sea introduced the draft budget of the Tribunal for 1999 (SPLOS/WP.5) and the document relating to the over-expenditure during the 1996-1997 budgetary period (SPLOS/WP.8). He pointed out that the draft budget for 1999 had been prepared on the basis of the Tribunal's expected schedule of work, in particular in view of resources required to deal with the second case before it - the M/V Saiga (No. 2) case - and other cases which may be submitted during 1999.

16. The President of the Tribunal outlined the programme of meetings on non-judicial issues scheduled for 1999, in the light of, inter alia, the election of seven judges in 1999 and the need for the chambers of the Tribunal to be newly formed. He further pointed out that the budget for 1999 was based on the acquired experience and that its proposed growth rate reflected the fact that 1998 appropriations had not been adequate. Regarding the 1996-1997 budgetary period, the President of the Tribunal explained the need for supplementary funds owing to the over-expenditure which had been caused by extraordinary circumstances linked to the completion in 1997 of the M/V Saiga (prompt release) case.

17. The President of the Tribunal also drew the attention of delegations to the proposal to establish a Working Capital Fund.

18. The President of the Tribunal noted that a major problem for the Tribunal was the non-payment by certain States Parties of their assessed contributions. In this connection, he made an appeal to States Parties which had not yet paid their contributions to do so as soon as possible.

A. Draft budget of the International Tribunal for the Law of the Sea for 1999

19. The proposal for the budget of the Tribunal for 1999 was predicated, inter alia, on the premise that in 1999, the Tribunal would devote four weeks of meetings to non-judicial work and that, for dealing with the M/V Saiga (No. 2) case, a minimum of nine weeks of meetings would be needed by the Tribunal as a whole and four weeks of meetings by the Drafting Committee (computed as one week of the full Tribunal). Additionally, the Tribunal made provisions for two possible cases requiring expeditious proceedings and considered that those cases would require seven weeks of meetings. The budget proposals amounted to a total of $7,963,651 composed of:

(a) A recurrent expenditure of $7,693,651, including:

(i) $3,102,497 for the remuneration and travel of judges;

(ii) $3,186,100 for salaries and related costs of staff (14 posts at the Professional level and above and 22 posts at the General Service level);

(iii) $237,250 for general temporary assistance, official travel and representation allowance;

(iv) $406,074 for temporary assistance for meetings;

(v) $761,730 for maintenance of premises, rental and maintenance of equipment, library and various other services;

(b) A non-recurrent expenditure of $170,000, essentially for the acquisition of furniture, equipment and special equipment;

(c) A Working Capital Fund of $100,000.

20. After the introduction of the budget proposals and a general exchange of views in the plenary, an open-ended Working Group, with the President of the Meeting as Chairperson, was formed to consider the proposals. The Working Group held two meetings. A paragraph-by-paragraph and item-by-item consideration was carried out by the Working Group. Informal consultations chaired by the President of the Meeting were also held, with the participation of interested delegations and the President and the Registrar of the Tribunal.

21. On the basis of the agreement reached in the Working Group and during the informal consultations (SPLOS/CRP.14), the Meeting of States Parties approved the revised budget of the Tribunal for 1999 together with the revised staffing table of the Registry (SPLOS/L.9).

22. The approved budget amounted to a total of $6,983,817 composed of:

(a) A recurrent expenditure of $6,833,817 including:

(i) $2,617,257 for the remuneration and travel of judges;

(ii) $2,977,060 for salaries and related costs of staff (12 posts at the Professional level and above and 20 posts at the General Service level);

(iii) $209,600 for general temporary assistance, official travel and representation allowance;

(iv) $307,000 for temporary assistance for meetings;

(v) $722,900 for maintenance of premises, rental and maintenance of equipment, library and various other services;

(b) A non-recurrent expenditure of $150,000, essentially for the requisition of furniture, equipment and special equipment.

23. The Meeting of States Parties also approved the establishment of a Working Capital Fund and decided that, on an exceptional basis, savings from appropriations in the budget, up to a maximum of $200,000, would be credited to the Fund.

24. It should be noted that an important reduction (amounting to $979,834) had been achieved in the approved budget, when compared to the draft budget for 1999 as proposed by the Tribunal.

25. The Meeting further authorized the Tribunal to transfer funds among appropriation sections to deal with cases which may arise during the budget period, on the understanding that if such transfer becomes necessary, the Tribunal will make a full report thereon to the Meeting of States Parties.

B. Supplementary budget of the International Tribunal for the Law of the Sea for 1998

26. As referred to earlier, on 13 November 1997, a case (M/V Saiga case - prompt release of vessel) was submitted under article 292 of the Convention. The Tribunal was urgently convened and, in accordance with its Statute and Rules, deliberations had to be commenced and the case concluded within a period of three weeks from the date of submission of the application. The judgement was rendered on 4 December 1997.

27. The budget appropriations for 1996-1997, approved by the fourth Meeting of States Parties on 8 March 1996, in the amount of $6,170,900 (SPLOS/L.1), included a contingency for expenses in the amount of $409,100 in connection with a case that might be submitted to the Tribunal in 1997.

28. The seventh Meeting of States Parties, in considering the budget for 1998, approved expenditures of up to $290,000 for the Tribunal to hold a fourth session in October 1997 (SPLOS/L.7, para. 2). No financial appropriation or reserve funds were available in 1997 to meet the costs incurred for the M/V Saiga case.

29. Consequently, the expenditures and obligations of the Tribunal in the 1996-1997 budgetary period in respect of the fourth session of the Tribunal, the M/V Saiga case (prompt release) and other costs (communications) exceeded the approved appropriations in the sum of $356,864 (see document SPLOS/WP.8).

30. To cover the above over-expenditure, the Meeting of States Parties approved the appropriation of an additional sum of $356,864 for the budget of the International Tribunal for the Law of the Sea for 1998 as a supplementary appropriation (SPLOS/L.10).

C. Contribution by the European Community to the budget of the International Tribunal for the Law of the Sea

31. Another issue of importance raised with respect to the budget of the Tribunal for both 1999 and 1998, including the supplementary budget, was that of the contribution by the European Community which had become Party to the Convention on 1 May 1998. The representative of the European Community expressed its readiness to contribute regularly to the Tribunal's budget, on the basis of article 19 of annex VI (Expenses of the Tribunal) and annex IX to the Convention. Other delegations were of the opinion that the amount paid by the

European Community should be decided by the Meeting of States Parties on the basis of an agreed formula.

32. The Meeting took note of the commitment of the European Community to contribute a lump sum of $75,000 to the 1999 budget of the Tribunal. It was understood that this arrangement would be without prejudice to future decisions of the Meeting of States Parties on this matter. It was also agreed that the European Community's contribution to the current budget of the Tribunal for 1998 would be based on the agreed contribution for 1999, i.e. $75,000, prorated for the period from 1 May to 31 December 1998. Furthermore, the delegation of the European Community agreed to make specific proposals regarding future arrangements and amendments to the draft financial regulations.

V. DRAFT FINANCIAL REGULATIONS OF THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

33. The President of the International Tribunal for the Law of the Sea introduced the draft financial regulations of the Tribunal (SPLOS/WP.6). With reference to the decision of the fifth Meeting of States Parties (SPLOS/14, para. 35), he said that the Tribunal had proceeded with preparation of its own financial regulations which were based on the United Nations model. In the interim period, the Financial Regulations of the United Nations were being applied.

34. Several issues were raised during a discussion of this item. In connection with draft regulation 2, some delegations were of the view that the financial period should not be biennial, since a period of such length would make it difficult to project potential cases in the budget. Other delegations were of the opinion that having a biennial financial period should not present a major difficulty and that such period would allow for more control and accountability. With respect to regulation 3.3, it was suggested that the draft budget should be accompanied by a detailed statement on the use of the prior budget appropriations and on proposed changes incorporated in the draft budget. A number of comments and drafting suggestions were made with respect to several regulations, in particular regulations 4.5, 6.2, 6.7, 7.2, 7.3, 10.3 and 12.

35. The delegation of the European Community proposed to amend regulation 5.1 in order to include a specific reference to contributions made by international organizations - Parties to the United Nations Convention on the Law of the Sea - in accordance with their status under annex IX to the Convention. In this connection, some other delegations considered that there was no need for making such changes and that the European Community was sufficiently covered by the reference to States Parties already contained in rule 5.1, and that international organizations had in practice the same rights and obligations as other States Parties. Other delegations were of the opinion that the issue was merely that of drafting and of determining an acceptable formula for the contribution of the European Community.

36. A number of delegations felt that they needed more time to study the implications of the draft financial regulations and that they were not ready to proceed with its adoption. The Meeting agreed that the Tribunal should review

the comments made during the discussion and submit a revised draft financial regulations at the next Meeting of States Parties.

VI. CONDITIONS UNDER WHICH RETIREMENT PENSIONS MAY BE GIVEN TO MEMBERS OF THE TRIBUNAL

37. The draft pension scheme regulations for members of the International Tribunal for the Law of the Sea (document SPLOS/WP.7) was introduced by the President of the Tribunal. He said that the draft pension scheme regulations were similar to the pension scheme regulations for members of the International Court of Justice (ICJ), as approved by successive resolutions of the General Assembly of the United Nations, the most recent of which was resolution 45/250 B of 21 December 1990.

38. During a discussion on this agenda item, a number of delegations underscored the need for a pension scheme for members of the Tribunal. However several of those delegations were of the opinion that there were differences between the International Court of Justice and the International Tribunal for the Law of the Sea. It was noted that the Advisory Committee on Administrative and Budgetary Questions of the United Nations had recently recommended that the pension scheme of the International Court of Justice should revert from pensions of a fixed amount to pensions based on a proportion of annual remuneration. Several delegations considered that a pension scheme based on a proportion of annual remuneration would be more justified for the members of the International Tribunal for the Law of the Sea who do not have a fixed salary. It was also noted that the retirement age for members of the Tribunal should be more than 60 years and that a minimum age for the receipt of a reduced pension should be established. It was pointed out that benefits could be enhanced as the financial situation improves.

39. Some other delegations expressed the view that there were more similarities than differences between the two judicial bodies, in particular with respect to the status of judges, and that there had already been an understanding that the pension scheme regulations of the Tribunal would follow closely those of the International Court of Justice.

40. Following some discussion, the Meeting reached a general agreement that there was a need for a pension scheme. It was also agreed that the Meeting should adopt a decision on that matter before the first group of judges retire, i.e., before 30 December 1999. It was further noted that more time was needed for consultations between the Registrar and interested parties with respect to the applicability of the International Court of Justice scheme, especially in view of a possible new decision by the General Assembly with respect to the latter. The Meeting decided to include this item in the agenda of its ninth Meeting.

VII. ISSUES SUBMITTED TO THE MEETING OF STATES PARTIES BY THE COMMISSION ON THE LIMITS OF THE CONTINENTAL SHELF

41. The Chairman of the Commission on the Limits of the Continental Shelf, Mr. Yuri Kazmin, addressed the Meeting of States Parties to introduce the issues which he had included in a letter addressed to the President of the Meeting of States Parties for the Meeting to consider (SPLOS/28).

42. The Chairman noted that the issues fell into three categories:

(a) The first related to annexes I and II of the Rules of Procedure of the Commission (CLCS/3/Rev.1). He noted that although the provisions of the annexes had been harmonized and agreed upon within the Commission at its third session (4-14 May 1998), the members felt that certain issues dealt with in those annexes affected the interests and competency of States, and therefore preferred to give the annexes final approval only after the Meeting had considered them;

(b) The second were problems of interpretation of certain terms used in the Convention, namely whether the terms "coastal States" and "States" included States that were not parties to the Convention;

(c) The third related to financing the participation of the members of the Commission from developing countries in the work of the Commission.

43. Regarding the first category of issues, the Chairman of the Commission brought to the attention of the Meeting annex I of the Rules of Procedure entitled "Submissions in case of a dispute between States with opposite or adjacent coasts or in other cases of unresolved land or maritime disputes".

44. According to annex I, the Commission would not make a recommendation if a dispute existed, and had not been settled, within an area included in a submission by a coastal State. The Commission, however, may consider submissions on the establishment of the outer limits of the continental shelf if no party to the dispute objected. The Commission may also consider that portion of the submission which did not include the disputed area, and which was not detrimental to the position of States which were parties to a land or maritime dispute. States which felt that the submission might affect a land or maritime dispute would have the opportunity to make relevant statements or raise objections within three months after due publicity was given to the submission by the Secretary-General.

45. The Chairman noted that the Commission understood that the issues were very complex, and dealt with legal and political problems and other sensitive matters. Therefore the Commission did not expect public statements to be made at the Meeting. Rather, the Commission would be ready to consider any written comments and observations which member States might wish to make on the provisions contained in annex I. Those comments would be considered by the Commission before it gave its final approval to annex I.

46. One delegation pointed out that if there is a dispute on the outer limits of the continental shelf, and the Commission agreed to consider a submission

involving the disputed area, then a third State would have to indicate to the Commission in writing its consent to the consideration of that submission.

47. The Chairman responded that in accordance with paragraph 5 (a) of annex I of the Rules of Procedure, the Commission may examine a submission in the areas under dispute only with prior consent given by all States that are parties to such a dispute.

48. Another delegate remarked that the Rules of Procedure should be drafted in a neutral manner and should be limited to what the Commission can or cannot do, and should not appear to create new rights for States that are only defined by the Convention. The Chairman agreed that editorial changes would be introduced in order to make it clear that the rules deal only with the procedure of the Commission.

49. The Chairman explained that there was another issue related to the Rules of Procedure contained in annex II of those Rules. It involved a situation when members of the Commission might be required to consider confidential data. The members had expressed their concern in case a State accused them of a breach of confidentiality. Therefore the Commission formulated a provision in rule 2 (1) of annex II that its members enjoyed the privileges and immunities as experts on mission for the United Nations in accordance with article VI of the Convention on the Privileges and Immunities of the United Nations (General Convention). The Commission then requested the Legal Counsel of the United Nations to provide a legal opinion on the applicability of that Convention to members of the Commission. According to the legal opinion (CLCS/5), the members of the Commission can be considered to be experts on mission covered by article VI of the General Convention.

50. The Meeting decided to take note of the legal opinion.

51. The Chairman noted that the second category of issues related to the interpretation of the term "a coastal State" and "a State" in light of article 4 of annex II to the Convention, which provides that "where a coastal State intends to establish, in accordance with article 76, the outer limits of its continental shelf, it shall submit particulars of such limits to the Commission along with supporting scientific and technical data". The question arose as to whether the Commission should accept for consideration a submission from a State which was not a party to the Convention.

52. In response, one delegate stated that the Meeting of States Parties did not have the competence to give a legal opinion, and that it was preferable not to pursue the matter any further. He added that the Commission should request the Legal Counsel for an opinion only when the problem actually arises. Other delegations supported this point of view.

53. The Chairman then introduced the third category of issues, i.e., financing the participation of members of the Commission from developing countries. He noted that the Commission clearly realized that article 2, paragraph 5, of annex II to the Convention calls for a State Party to defray the expenses of the member nominated by it. However, financial constraints have prevented the participation of some members from developing countries. The Commission

therefore wished to request the Meeting of States Parties to consider establishing a trust fund to be administered by the Secretary-General of the United Nations. Such a fund would be used to meet the travel and accommodation expenses of members of the Commission from developing countries during the time they performed their duties as members of the Commission.

54. Several delegations pointed out that trust funds had been used to support the participation of representatives of developing countries in a number of other endeavours, such as the Biodiversity Convention and the establishment of the International Criminal Court.

55. It was decided that the Secretariat should explore the various possibilities that could be made available to allow all members to participate in the Commission, as well as the modalities for a trust fund, on the understanding that the Convention clearly sets the principle that States Parties should defray the costs of the members they nominated.

56. The Chairman alerted the delegations to the provisions of article 4 of annex II to the Convention, regarding the 10-year period from the entry into force of the Convention for a State, during which States may present their submissions. For certain States, therefore, only six years remained. One delegation recalled however the decision taken at the third Meeting of States Parties in relation to that obligation (SPLOS/5, para. 20). At that time, it had been agreed that the election of the members of the Commission would be postponed until March 1997, with the proviso that should any State which was already a Party to the Convention by 16 May 1996 be affected adversely in respect of its obligations under article 4 of annex II to the Convention as a consequence of the change in the date of the election, States Parties, at the request of such a State, would review the situation with a view to ameliorating the difficulty in respect of that obligation.

VIII. RULES OF PROCEDURE OF THE MEETING OF STATES PARTIES, IN PARTICULAR THE RULE DEALING WITH DECISIONS ON QUESTIONS OF SUBSTANCE (RULE 53)

57. The discussion focused on rule 53 of the Rules of Procedure of the Meeting of States Parties (document SPLOS/2/Rev.3), which had been adopted without prejudice to the rules relating to financial and budgetary matters. Two major issues were raised in this respect, namely, what majority should be required on decisions on questions of substance relating to financial and budgetary matters and whether a finance committee of the Meeting of States Parties should be established.

58. A number of delegations were of the view that the required two-thirds majority of the States Parties present and voting for decisions on questions of substance was not satisfactory for decisions relating to financial and budgetary matters and that such decisions should be adopted primarily by consensus, as that reflected the practice of the Meeting of States Parties. Alternatively, they were ready to accept a large majority of States Parties, provided that such majority would include those States Parties which contribute to the budget of

the Tribunal higher than a certain threshold level to be determined by the Meeting.

59. Several other delegations were opposed to that proposal, arguing that such weighted majority would be more favourable to some States Parties. Although they were in favour of the current practice of adopting the budget by general agreement, they were not willing to accept a formal reference to it in the rules. A possibility of maintaining current practice without developing further rules was also mentioned. Many delegations felt that decisions on financial and budgetary matters should be dealt with in a separate rule.

60. A number of delegations supported the establishment of a finance committee in the Meeting of States Parties, along the lines of the Advisory Committee on Administrative and Budgetary Questions of the United Nations or the Finance Committee of the International Seabed Authority, which would examine the draft budget of the Tribunal and other financial and budgetary matters. Other delegations, while stating their readiness to consider that proposal, cautioned that a number of related questions would have to be resolved with respect to the Committee, such as its size, composition (whether it will be open-ended or of a given membership), geographical representation, and decision-making powers. One delegation was of the opinion that the finance committee should be composed of delegations and not of experts.

61. A view was also expressed, that, similar to weighted voting, the finance committee would be more favourable to some States Parties and that there was no need to create yet another organ since the budget was to be adopted in any case by the plenary of the Meeting of States Parties.

62. The meeting concluded that there was no unanimous opinion on the modalities for decision-making on financial and budgetary matters nor on issues involving the finance committee. Lacking specific draft suggestions and in view of the need to further study various proposals, the Meeting decided to include this item in the agenda of its next meeting.

IX. OTHER MATTERS

A. Report of the Credentials Committee

63. The Credentials Committee held one meeting on 21 May 1998 and elected Ms. Andreja Metelko-Zgombić as its Chairperson. At that meeting, it examined the credentials of representatives to the eighth Meeting of States Parties. The Committee accepted the credentials submitted by the representatives of 94 States Parties to the Convention and, on 22 May 1998, the Meeting of States Parties approved the report of the Committee (SPLOS/29). Subsequently, three more States Parties notified the Secretariat that they were represented at the Eighth Meeting.

B. Participation of and statements by non-governmental organizations

64. In accordance with rule 18, paragraph 4, of the Rules of Procedure of the Meeting of States Parties (document SPLOS/2/Rev.3/Add.1), two non-governmental organizations - the International Chamber of Shipping and the Seamen's Church Institute - were invited by the Meeting to participate as observers. In their statements, the observers drew the attention of the Meeting to the growing piracy problem in many parts of the world. They noted that the pirate activities occurred frequently in the territorial seas of many coastal States, that many incidents had been under-reported and that in many cases there was a lack of political will or financial resources to combat piracy. The organizations called for new mechanisms to be identified to eradicate piracy and for the issue to be kept prominently on the United Nations agenda. They also expressed concern with respect to working conditions of the seafarers, to the failure of flag States to comply with their duties under article 94 of the Convention and port State policies at variance with article 98 of the Convention (duty to render assistance).

65. The Meeting took note of those statements. Some delegations noted that the matters raised were being given high priority by their Governments and that, inter alia, cooperative efforts to reduce piracy and armed robbery at sea had been undertaken on a regional basis. However, several delegations pointed out that the issues of piracy and armed robbery at sea could be more usefully addressed in the United Nations General Assembly and in the International Maritime Organization.

C. Statement by the President at the closing of the eighth Meeting

66. In his closing statement, the President of the eighth Meeting noted with appreciation, inter alia, the report on the activities of the International Tribunal for the Law of the Sea and its first case. He said that the budget of the Tribunal for 1999, while perhaps not ideal for an institution which had just started to function, was reasonable and commensurate with the goals of this instrument of peaceful settlement of maritime disputes.

67. He further pointed out that it was not sufficient to agree on the budget in order for the Tribunal to function and that the compliance by the States Parties with their financial obligations and full and timely payment of their assessed contributions were even more essential. He invited the States Parties to act in order to protect the independence and credibility of the Tribunal, as well as the moral integrity and independence of its 21 members. He also noted that the future management of the Tribunal should be more demanding and transparent and that its evolution in terms of spending should proceed at a controlled rate. He called for greater transparency, equity and geographic and linguistic diversity with respect to the recruitment and composition of the staff of the Registry.

68. He said that the Meeting started a useful dialogue with the Commission on the Limits of the Continental Shelf, which merited to be continued. On behalf of the Meeting, he expressed high appreciation regarding the work of the Commission.

D. Other issues relating to the implementation of the Convention

69. In connection with the forthcoming session of the Commission on Sustainable Development, one delegation drew the attention of the Meeting that, consistent with chapter 17 of Agenda 21, ocean issues were now considered under a consolidated General Assembly resolution. This consolidated approach enhances how respective ministries coordinated and addressed ocean issues at the national level. In this connection it was recalled that the special responsibility of States Parties was to ensure that the Commission on Sustainable Development deliberations are fully in accord with the provisions of the United Nations Convention on the Law of the Sea.

70. Although the eighth Meeting of States Parties decided not to include the item relating to the role of the Meeting of States Parties in reviewing ocean and law of the sea issues in the agenda of the ninth Meeting, it should be noted that the Meeting wished to continue to be free to consider any important issue related to the United Nations Convention on the Law of the Sea and its implementation.

E. Dates and programme of work of the ninth Meeting of States Parties

71. The ninth Meeting of States Parties will be held in New York from 19 to 28 May 1999. The election of seven members of the International Tribunal for the Law of the Sea, who will replace the seven members completing their three-year term, will be held on 24 May 1999.

72. The ninth Meeting will have on its agenda, inter alia, the following items:

(a) Election of seven members of the International Tribunal for the Law of the Sea;

(b) Report of the International Tribunal for the Law of the Sea to the Meeting of States Parties (1998) (rule 6 of the Rules of Procedure of the Meeting of States Parties);

(c) Draft budget of the International Tribunal for the Law of the Sea for 2000;

(d) Draft financial regulations of the International Tribunal for the Law of the Sea;

(e) Conditions under which retirement pensions may be given to members of the Tribunal (see article 18, para. 7, of annex VI to the Convention);

(f) Rules of procedure of the Meeting of States Parties, in particular, the rules dealing with decisions on questions of substance (rule 53), including the establishment of a finance committee.